

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No. 08 CR 202
)	
v.)	
)	Hon. Matthew F. Kennelly (Emergency Judge)
MARCELO ALONZO-ALMARAZ)	Hon. Harry D. Leinenweber (Assigned Judge)
)	

MOTION TO QUASH MATERIAL WITNESS WARRANTS

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court to quash three material witness warrants that were issued pursuant to Title 18, United States Code, Section 3144, for material witnesses in the investigation of defendant Marcelo Alonzo-Almaraz's violation of Title 8, United States Code, Section 1324. In support of this motion, the government states as follows:

1. On or about March 13, 2008, defendant Marcelo Alonzo-Almaraz was charged via indictment with one count of knowingly transporting illegal aliens for the purpose of private financial gain in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i).

2. Subsequent to the defendant's arrest on March 7, 2008, the government developed three material witnesses against him: Olegario Carranza-Teofilo, Leonardo Castellanos-Castellanos, and German Perez-Norberto. These three witnesses are undocumented aliens with no legal status in the United States, and thus the Bureau of Immigration and Customs Enforcement had detained them pending deportation. Deportation was imminent, and the government was concerned that the material witnesses would be unavailable for trial because it would be virtually impossible to secure their presence via subpoena if they were deported. Therefore, on March 17, 2008, the government successfully moved this Court to have the three witnesses declared material witnesses within the

meaning of 18 U.S.C. § 3144, and to detain them pending completion of Rule 15 depositions. On this same date, counsel was appointed for the three witnesses.

3. Also, on March 17, 2008, this Court ordered, pursuant to Fed.R.Crim.Pro. 15(a)(2), that the testimony of Olegario Carranza-Teofilo, Leonardo Castellanos-Castellanos, and German Perez-Norberto be taken and preserved for use at trial.

4. On March 19, 2008, the testimony of Olegario Carranza-Teofilo, Leonardo Castellanos-Castellanos, and German Perez-Norberto was taken via videotaped depositions by the government and the defendant's counsel.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court quash the arrest warrants of Olegario Carranza-Teofilo, Leonardo Castellanos-Castellanos, and German Perez-Norberto, so that they can be returned to the custody of the Bureau of Immigration and Customs Enforcement and be expeditiously deported back to their native countries.

Respectfully submitted,

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United States Attorney

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Dated: March 20, 2008

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

MOTION TO QUASH MATERIAL WITNESS WARRANTS

was served March 20 2008, in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case filing pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers.

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